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COUNSEL
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March 6, 2008

Via Facsimile

Honorable Colleen McMahon
United States District Court
500 Pearl Street, Room 640
New York, New York 10007

MEMO ENDORSED

Re: Shaw Family Archives, Ltd. et al. v. CMG Worldwide, Inc. et al., Index. No. 05 CV 3939

Dear Judge McMahon:

The Shaw Family respectfully requests that the Court endorse this letter so that the Clerk of the Court will sign the attached "Notice that Motion Involves Challenge to Constitutionality of State Statute."

The Shaw Family has complied with Fed. R. Civ. P. 5.1(a) by sending the appropriate notice to the California Attorney General's office. Rule 5.1(b) requires that the Court certify the question. The Clerk's office recently advised us that the Court's prior memo endorsed order dated December 7, 2007 was insufficient, and that the Court needs to direct the Clerk to sign the specific form attached hereto as Exhibit A. Accordingly, the Shaw Family respectfully requests that the Court endorse this letter, which will direct the Clerk's office to sign and serve the Notice to the California Attorney General's office in the form annexed hereto as Exhibit A.

The Shaw Family thanks the Court for its assistance.

Respectfully Submitted,


Christopher Serbagicc: Paula Colbath, Esq. (via electronic communication)
Ted Minch, Esq. (via electronic communication)

The Clerk should
sign the attached
Notice


3/10/08

Clerk's Certificate of Constitutional Issue in Case—State Statute Questioned

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHAW FAMILY ARCHIVES, LTD., EDITH MARCUS :
and META STEVENS, :

Index No.: 05 CV 3939(CM)

Index No.: 06 CV 2619(CM)

Plaintiffs, :

-against- :

CMG WORLDWIDE, INC., an Indiana Corporation and :
MARILYN MONROE, LLC., a Delaware Limited :
Liability Company, :

NOTICE THAT MOTION
INVOLVES CHALLENGE
TO CONSTITUTIONALITY
OF STATE STATUTE

(28 U.S.C. § 2403;
FED. R. CIV. P. 5.1)

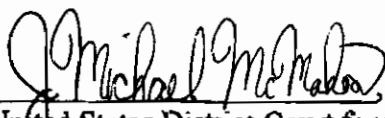
Defendants. :
-----X

TO THE ATTORNEY GENERAL
OF THE STATE CALIFORNIA:

TAKE NOTICE that in the action shown in the caption above, Plaintiff/Consolidated Defendant Shaw Family Archives, Ltd., Consolidated Defendant Bradford Licensing, L.P. Plaintiff Edith Marcus and Plaintiff Meta Stevens (the "Shaw Family"), has been authorized by Hon. Colleen McMahon by a Memo Endorsed Order dated December 7, 2007 to file a motion in which the Shaw Family raises the issue of the constitutionality of California Civil Code § 3344.1. The Shaw Family filed its motion challenging the constitutionality of California Civil Code § 3344.1 on February 14, 2008.

Accordingly, as required by Section 2403 of Title 28 of the United States Code, this court certifies that the constitutionality of the above-referenced statute has been placed in issue, and notifies you that you may, therefore, intervene in this action. If you desire to intervene in this action, you should file your motion to intervene, pursuant to Rule 5.1 of the Federal Rules of Civil Procedure, within 60 days, or a later time set by the court, from the date of this Notice or from the date of Notice served by the Shaw Family, whichever was sooner.

Dated: March 10th, 2008
New York, New York

 Clerk
United States District Court for the
Southern District of New York
By: _____
Deputy Clerk